

MEMO ENDORSED



Fox Rothschild LLP
ATTORNEYS AT LAW

101 Park Avenue, 17th Floor
New York, NY 10178
Tel 212.878.7900 Fax 212.692.0940
WWW.FOXROTHSCHILD.COM

ALAN R. FRIEDMAN
Direct No: 212.878.1426
Email: AFriedman@FoxRothschild.com

August 29, 2023

VIA ECF

Hon. Jessica G. L. Clarke
United States District Court, Southern District of New York
500 Pearl Street, Room 1040
New York, New York 10007

Re: McKenzie-Morris v. V.P. Records Retail Outlet, Inc. et al, 1-22-cv-01138-GHW

Dear Judge Clarke:

We represent the defendants in this action (“Defendants”) and submit this letter pursuant to the Notice of Reassignment issued on September 12, 2021 (DE 134) and Rule 1 E. of Your Honor’s Individual Rules and Practices in Civil *Pro Se* Cases, to request:

- (i) an adjournment of the Initial Pretrial Conference, currently scheduled for September 15, 2023 at 1 PM, to **September 22, 2023 at 1 PM**¹; and
- (ii) a corresponding extension of the deadline to submit a Joint Letter and proposed Case Management Statement from September 8, 2023 to **September 15, 2023**.

The reason for this request is that I have a previously scheduled argument on September 15, 2023, in a different lawsuit, that directly conflicts with the currently scheduled conference in this lawsuit. That argument, in *Falero v. Dimension Films, et al.*, 22BBCV01067 (Sup. Ct., County of Los Angeles), is scheduled for 12 PM ET. Prior arguments in the *Falero* case have not concluded until after 2 PM ET.

By email dated August 28, 2023, Defendants’ counsel sought Plaintiff’s consent for the above requested adjournment and requested Plaintiff to advise if the proposed dates for the adjournment of the conference worked for Plaintiff. In response, Plaintiff advised that she did not consent to

¹ Alternatively, Defendants are available on September 20 and September 21, 2023 at 1 PM ET.



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the requested adjournment and did not advise of her availability on the proposed dates. Plaintiff stated that she was not consenting because she (i) believed Defendants were being “evasive”; (ii) mistook Defendant’s request for 3-5 business day extension as a request for a two week extension, and (iii) viewed Defendants’ request as being based on an obligation on “September 12,” despite my email stating the conflicting argument was on September 15.²

Prior to reassignment of this case to Your Honor, Defendants requested an adjournment of Judge Woods’ Scheduling of the Initial Pretrial Conference for August 28 and submission of joint letter and proposed Case Management Plan for August 21, which schedule was issued while (i) I was on a distant vacation, and (ii) and our client contact was on a family vacation. Judge Woods granted the requested extension.

We thank Your Honor for your time and attention to this matter and respectfully request that Your Honor grant the short adjournment Defendants seek due to the above-referenced conflict.

Respectfully submitted,

Alan R. Friedman

cc: Shauna McKenzie-Morris (via ECF)

The Court is unavailable the week of September 18th. IT IS HEREBY ORDERED that the conference in this matter, previously scheduled for September 15, 2023 at 1:00 p.m., is RESCHEDULED for **September 14, 2023 at 2:00 p.m.** The conference will be held remotely via Microsoft Teams. The joint letter and proposed Civil Case Management Plan and Scheduling Order remain due on **September 8, 2023.**

SO ORDERED.

JESSICA G. L. CLARKE
United States District Judge

Dated: August 30, 2023
New York, New York

² A copy of my email exchange with Plaintiff regarding Defendants’ request for this adjournment is attached as Exhibit 1. We disagree with statements in Plaintiff’s email not reference above, but we are not addressing them in this letter because they are not pertinent to Defendants’ request for an adjournment.